IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

OP.No. 10020 of 2003(P)

PETITIONER:

K.CHIDAMBARA, AGED 51 YEARS,
NOW HEALTH SUPERVISOR AT PRIMARY
HEALTH CENTRE, VICHOOCHIRA,
PATTANATHITTA DISTRICT.

BY ADV. SRI.U.P.KUNIKULLAYA

RESPONDENTS:
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1. **THE MEDICAL OFFICER, PRIMARY HEALTH CENTRE, KUMBLA, P.O. KUMBLA, KASARAGOD TALUK AND DISTRICT.**

2. **THE DISTRICT MEDICAL OFFICER, KASARAGOD AT KANHANGAD, P.O.KANHANGAD, HOSDURG TALUK, KASARAGOD DISTRICT.**

BY GOVERNMENT PLEADER SRI.M.P.PRAKASH

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 11/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH, J.

O.P. NO. 10020 OF 2003

Dated this the 11th day of December, 2006

J U D G M E N T

The writ petition is filed with the following prayers:-

> "(b) To issue a writ of certiorari or other appropriate writ, order or direction quashing Ext.P12 order and restoring Ext.P8 order with direction to the respondents or such of them who are responsible for payment of the salary to the petitioner from July 2002 onwards at the rate refixed as per Ext.P8 order along with interest thereon from the respective dates.
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> (c) To grant interim orders for necessary direction of the respondents or such of them who are responsible to pay the salary to the petitioner at the rate refixed as per Ext.P8 order till the disposal of the O.P."

2. Learned Government Pleader submits that no relevance can be placed on Ext.P8 since it is a fabricated document. However, it is submitted that the petitioner had made a re-option during the pendency of the writ petition in the year 2005, and hence if at all the petitioner has any surviving grievance, liberty may be reserved to him to approach the Government.

In the above circumstances, this writ petition is disposed of making it clear that in case the petitioner has any surviving grievance, it will be open to him to approach the Government. It is made clear that, in that view of the matter I have not considered the writ petition on merits and the entire contentions are left open.

KURIAN JOSEPH, JUDGE

vps

KURIAN JOSEPH, JUDGE

OP NO.10020/03

JUDGMENT

11th DECEMBER, 2006